

# Staff Report

Story County  
Board of Supervisors

Date of Meeting:  
May 19, 2020

**APPLICANT:** Quarry Estates, LLC  
619 East Lincoln Way  
Ames, Iowa

**STAFF PROJECT MANAGER:** Amelia Schoeneman, Planner

**Case Number REZ01-20 and SUB06-20** is a rezoning and Cornerstone to Capstone (C2C) Comprehensive Plan Future Land Use Map amendment request and a Major Subdivision Preliminary Plat request for the property located at the southeast corner of the intersection of 500<sup>th</sup> Avenue and 170<sup>th</sup> Street in the Northwest Quarter of Section 7 of Franklin Township. The subject property is currently zoned R-1 Residential and A-1 Agricultural. The requested amendment to the Official Zoning Map of Story County, Ordinance 288, is to the GB-C Greenbelt-Conservation District for portions of the subject property determined to be environmentally sensitive and that contain floodplain. The request includes a C2C Comprehensive Plan Future Land Use Map amendment from the Rural Residential Area to the Agricultural Conservation Area and from the Agricultural Conservation Area to the Natural Resource Area for the environmentally sensitive areas and floodplain. The requested major subdivision preliminary plat for the Prairie Valley Subdivision is proposed to include 70 lots for single-family dwellings, five lots to be dedicated to Story County and Story County Conservation including the environmentally sensitive areas, and seven outlots (not buildable for a dwelling) to be owned and managed by a homeowner association. At their May 6, 2020, meeting, the Story County Planning and Zoning Commission recommend approval of the rezoning and C2C Comprehensive Plan Future Land Use Map amendment request and a Major Subdivision Preliminary Plat request with conditions to the Board of Supervisors (a full list of conditions available on pages 32-33 of this report).





---

## Property Information

---

### PROPERTY OWNER

Quarry Estates, LLC  
619 East Lincoln Way  
Ames, Iowa

### GENERAL PROPERTY LOCATION

The Northwest Quarter of Section 7 of Franklin Township located at the southeast corner of the intersection of 500th Avenue and 170th Street.

### PARCEL IDENTIFICATION NUMBERS

05-07-100-105, 05-07-100-200, 05-07-100-400, and 05-07-100-305

### GROSS PROPERTY AREA

160 acres

### SIZE OF AREA TO BE OCCUPIED BY DEVELOPMENT LOTS

Approximately 56 acres, including streets.

### SIZE OF REZONING AREA

74.06 acres

### LEGAL DESCRIPTION OF AREA TO BE REZONED

A part of the Northwest Quarter of Section 7, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa, being more particularly described as follows: Beginning at the intersection of the south line of said Northwest Quarter with the east right of way line of 500th Avenue; thence following said right of way line N00°15'07"W, 1317.30 feet; thence N89°50'35"E, 5.00 feet; thence N00°15'07"W, 1257.30 feet; thence N89°51'55"E, 368.10 feet, parallel with and 60.00 feet South of the north line of said Section 7; thence S21°57'36"W, 141.13 feet; thence S40°17'31"W, 377.36 feet; thence S00°08'36"E, 48.94 feet; thence N90°00'00"E, 139.99 feet; thence S84°55'23"E, 388.88 feet; thence S23°07'56"E, 70.08 feet; thence S21°48'37"W, 169.43 feet; thence S38°11'07"E, 649.09 feet; thence N16°19'21"E, 153.03 feet; thence N28°05'47"E, 191.55 feet; thence S88°52'52"E, 61.21 feet; thence S60°10'21"E, 397.32 feet; thence S11°10'40"E, 284.95; thence N77°59'18"E, 218.91 feet; thence N89°52'48"E, 134.02 feet; thence S50°34'40"E, 76.03 feet; thence S12°47'45"E, 81.88 feet; thence S04°06'56"W, 395.78 feet; thence S21°24'37"W, 42.71 feet; thence S54°25'15"W, 173.64 feet; thence S73°57'26"W, 84.74 feet; thence S18°38'06"E, 377.48 feet; thence S10°44'59"E, 177.21 feet to the south line of



said Northwest Quarter; thence S89°49'14"W, 1864.64 feet to the point of beginning, containing 74.06 acres.

### **CURRENT ZONING**

R-1 Transitional Residential and A-1 Agricultural

### **FUTURE LAND USE MAP DESIGNATION**

The *Story County Cornerstone to Capstone (C2C) Comprehensive Plan* currently designates this property as Agricultural Conservation Area and Rural Residential Area. Portions are also designated as Natural Area.

### **CITIES WITHIN TWO MILES**

Gilbert

### **DISTRICTS**

School - Gilbert

Utilities- Xenia, Alliant Energy, Midland Power

Emergency - Gilbert Fire & Rescue

Watershed - Squaw Creek

Drainage Districts - Drainage District # 8, Drainage District #67, &

Drainage District #95

### **SUBMITTAL DOCUMENTS**

Documents submitted for review include the preliminary plat, a management/ownership agreement with Story County Conservation, restrictive covenants, draft easements, a traffic study, a stormwater management plan, a rezoning and C2C Comprehensive Plan Future Land Use Map amendment request (including a narrative and rezoning plat), letters from utility and emergency service providers, environmentally sensitive areas study, and an archaeological study.



---

## **Proposed Use and Background**

---

### **Current Land Use**

The subject property includes four original quarter quarters, less road right-of-way, for a total area of 160 acres. The property contains approximately 66 acres of pastureland, which stretches from the northwest corner of the property to the southeast corner and varies between steep slopes and flat areas. This area was used for grazing cattle. Squaw Creek runs southwest through the southwestern-most corner of the property.

Approximately 41 acres, including a majority of the southwest quarter quarter and the northwestern 7 acres of the property have been enrolled in the Conservation Reserve Program (CRP) and planted in long term prairie. These are the lowest areas of the property and also contain FEMA designated floodplain. Approximately 40 acres of the subject property is located within the FEMA designated floodplain—along the western edge of the subject property and over a majority of the southwest quarter quarter. The northeast 25 acres of the subject property is currently in hay production, and to the south, approximately 19 acres along the eastern edge of the property was planted as corn. There is a steep ravine that is located near the center of the property and falls south and west from the highest point of the property. This ravine turns into a drainage way, which extends south from the center of the property. The drainage way is surrounded by vegetation including tree cover.

### **Background and Proposed Use**

#### **2018 Rezoning of the Property to R-1 Transitional Residential**

In December of 2018, the northwest, northeast, and southeast quarter quarters (120 acres) of the subject property were rezoned to the R-1 Transitional Residential District. As part of this request, the C2C Future Land Use Map designation for the northwest, northeast, and southeast quarter quarters was also amended to the Rural Residential Area. Maps of the current zoning and C2C Future Land Map designations (since the 2018 rezoning and C2C Future Land Use Map amendment) are provided in Figures 1 and 2. The southwest quarter quarter was not part of the request as the Land Evaluation and Site Assessment score was too high to permit a rezoning from the A-1 Agricultural District. Additionally, the southwest quarter is largely covered by floodplain, and no development was proposed for the area.

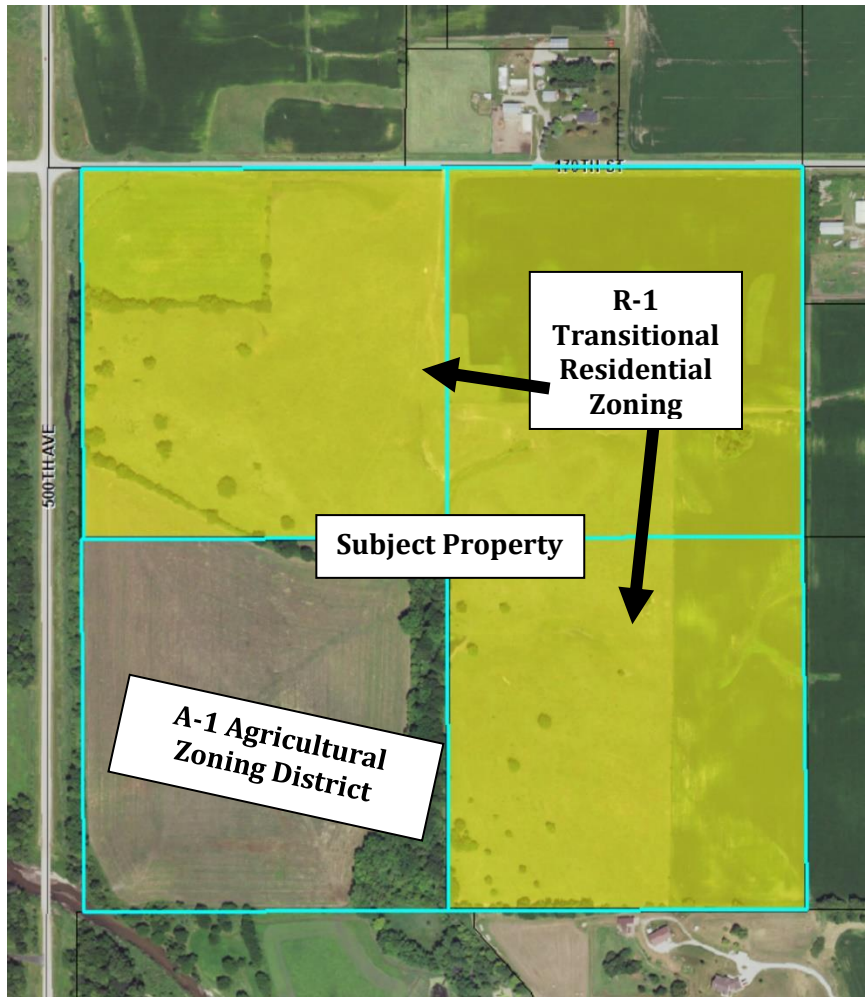


Figure 1: Current Story County Official Zoning Map for Subject Property

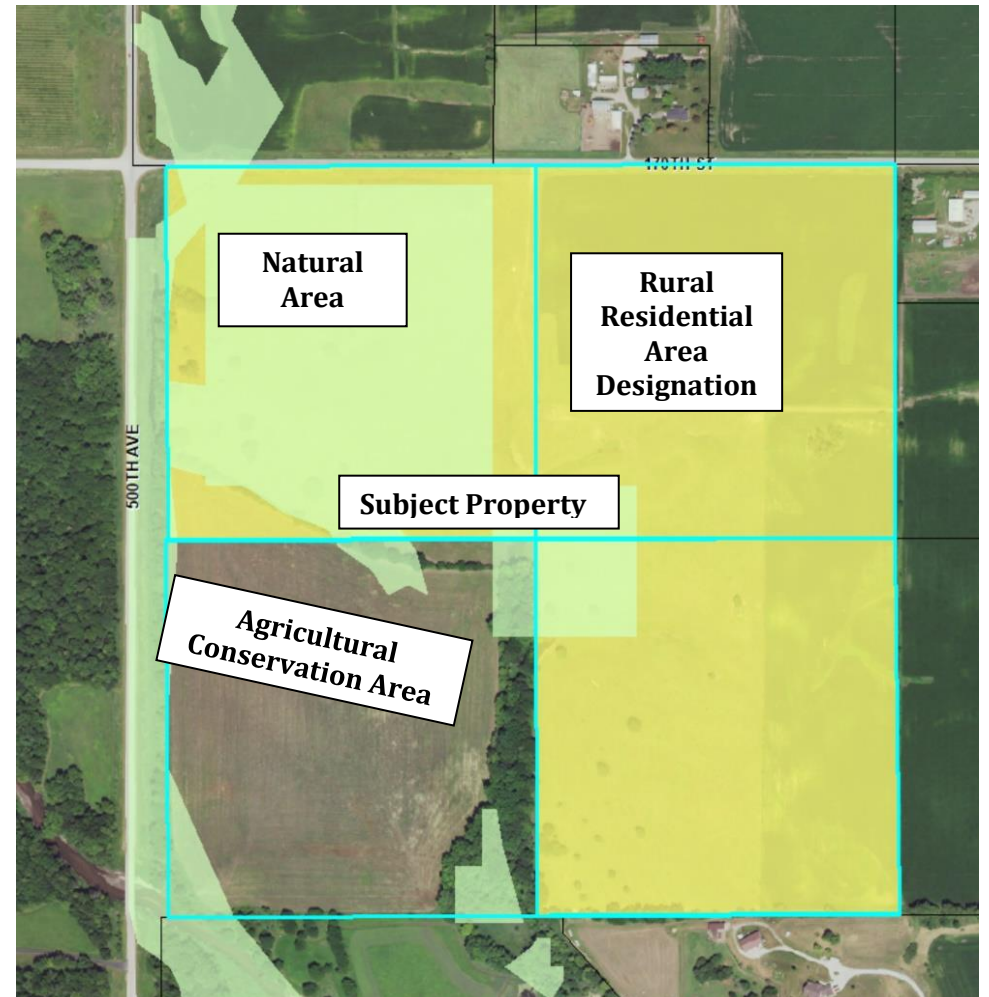


Figure 2: Current C2C Future Land Use Map for Subject Property

At the December 5, 2018, meeting, the Story County Planning and Zoning Commission made a motion to recommend approval of the staff recommendation to the Board of Supervisors. Staff's recommendation included a condition limiting the development to 56 lots, based on the density of other residential development in the area, and other conditions. This motion failed (vote 2-3) and was the recommendation provided to the Story County Board of Supervisors.

The Board of Supervisors ultimately approved the rezoning and C2C Plan amendment with conditions to ensure the standards of approval for a rezoning and for a C2C Plan amendment, including for compatibility with the surrounding area and protection of environmental resources, were met. The conditions on the rezoning are as follow:

1. The total number of development lots shall not exceed the total number of developable acres, up to a maximum of 70 developable acres (i.e. not to exceed 70 single-family dwellings)
2. The applicant shall work with Story County Environmental Health and Story County Planning and Development to identify areas on the subject property where it is possible to group septic system discharge for the purpose of limiting disruption to prairie remnants and other environmentally sensitive areas.
3. The applicant shall collaborate with Story County Conservation to identify and map the locations of environmentally sensitive areas, including the southwest of the northwest quarter quarter, on the subject property including but not limited to those identified in Condition 8 below.
4. The applicant shall request a Future Land Use Map Designation amendment for the environmentally sensitive areas, identified in Condition 3, from the requested Rural Residential Designation to the Agricultural Conservation Designation at the time of the proposed subdivision plat and rezoning submittal (see Condition 5). The environmentally sensitive areas identified in Condition 3 shall be further designated as Natural Resource Area on the C2C Future Land Use Map.
5. In order to ensure the long-term protection of the environmentally sensitive areas and the floodplain areas, an application to rezone the southwest quarter of the northwest quarter of Section 7 and all environmentally sensitive areas, identified in Condition 3, from the A-1 Agricultural District and the R-1 Transitional Residential District to the GB-C Greenbelt Conservation District shall be submitted by the property owner/applicant with the proposed subdivision plat. A management and/or ownership agreement with Story County Conservation shall be made and submitted at the time of the rezoning in order to best preserve and maintain the identified environmentally sensitive areas located on this property.
6. In accordance with Principle 4 of the Rural Residential Area C2C Future Land Use Map Designation, a buffer of no less than 50 feet shall be maintained between the proposed subdivision development lots and the agricultural land use located to the east.





7. A 20' wide easement for a future hard-surfaced trail shall be provided on the north and west sides of the proposed subdivision for future trail development as described in the C2C Cornerstone to Capstone Comprehensive Plan (See Map 29: Proposed Trails and Greenway Map).
8. As part of the subdivision plat submittal, the development improvements shall meet the requirements of the Story County Land Development Regulations R-C Residential Conservation Design (Overlay) District Chapter 86.15(4)(A)(1-7) as follows:
  4. Design and Improvement Requirements.
    - A. Land Suitability. No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include:
      - (1) All wetlands and hydric soils by the Natural Resource Conservation Service or Story County Conservation, including a 50-foot buffer around all such identified wetlands.
      - (2) Native prairie remnants.
      - (3) Significant trees and cover.
      - (4) All areas having slopes greater than 14 percent.
      - (5) Areas that provide habitat for rare, threatened or endangered species.
      - (6) Burial sites and Native American mounds.
      - (7) Drainage ways that contain running water during spring runoff, during storm events or when it rains. A 30-foot buffer along each side of the drainage way shall be included.

#### Proposed Subdivision and Conformance with Conditions on R-1 Zoning

The subdivision request is a preliminary plat for a major subdivision. When a major subdivision is proposed, both a preliminary and final plat are required by the Story County Land Development Regulations. The preliminary plat shows the overall concept and design for the subdivision. The final plat provides the legal description for the lots to record and complete the division of the property. The final plat will be reviewed for conformance with the preliminary plat by staff, the Planning and Zoning Commission, and the Board of Supervisors when it is submitted. The final plat must be submitted within one year of the preliminary plat. Before the submittal of the final plat, all improvements including roads, grading, stormwater management, and utilities are required to be completed or a development agreement and financial security submitted with a timeframe (a maximum of two years) for their completion with the final plat. The design, materials, and workmanship, installation, and construction of improvements must be warranted for a period of two years from and after completion.



To meet the conditions of the 2018 rezoning, the applicant has proposed a 70-lot subdivision at a density of .44 lots per acre (condition one of the rezoning limits the development to 70 lots). The minimum lot size for the R-1 Transitional Residential Zoning District in which the subdivision is located is 25,000 square feet for a single-family dwelling. All lots meet or exceed this minimum lot size requirement. A layout drawing for the subdivision is provided in Figure 3.

The final plat for the proposed Prairie Valley Subdivision will be completed in four phases, demarcated by various colored dashed lines on layout drawing in Figure 3.

Regarding condition two of the rezoning (grouping of septic systems), the Board of Supervisors added this condition as a way to protect the remnant prairie on the site from the moisture of the discharge from the septic laterals. A protective subdrain to divert runoff from the septic laterals away from the prairie remnants is proposed for lots with lateral fields that slope towards the prairie remnants. This proposal has been reviewed by the County Sanitarian and County Conservation. The subdrain is shown by the thin black line on the layout drawing (Figure 3) behind the rear lot lines of the development lots. A design of the protective subdrain is provided with the preliminary plat and available on the agenda center. The subdrains are located on outlots to be owned and managed by a homeowner association. The County Sanitarian and County Conservation Director requested an additional tile on Lot 52. The applicant provided an amended plan to staff showing the drain, although they do not believe it is needed and noted it would add cost to the project. The Planning and Zoning Commission and staff recommend the addition of this tile to the preliminary plat as a condition of approval.

The design of the subdivision meets the conservation design principles prescribed as part of the eighth condition on the rezoning. Story County Conservation performed a desktop survey through the Iowa Department of Natural Resources and determined there are no threatened or endangered species on the site. The applicant also completed an archaeological study that did not locate burial grounds or Native American mounds. Dr. Thomas Rosburg, a professor of Ecology and Botany at Drake University, completed a field review to locate remnant prairie and other landscape features, as required by conditions three and eight of the rezoning. The most significant and environmentally sensitive features were the native prairie remnants. Several remnant prairie areas are present on the subject property and they are shown in yellow outlines on the layout drawing for the subdivision in Figure 3. The remnant prairies are mainly located on steeply sloped areas of the south half of the northwest quarter quarter and on the western half of the southeast quarter quarter. These areas were previously the pastureland. Several lots do have areas with slopes over 14% or with potentially hydric soils but were not identified as





environmentally sensitive. Further, the trees on the site were not identified as environmentally sensitive.

The conditional rezoning required the environmentally sensitive areas and floodplain to be rezoned to the Greenbelt-Conservation District and their C2C Future Land Use Map designation amended to Agricultural Conservation and Natural Area (conditions four and five). The layout drawing shows the area to be rezoned to the Greenbelt-Conservation Zoning District and amended to Agricultural Conservation and Natural Areas on the C2C Plan Future Land Use Map in blue. The blue area also contains the FEMA mapped floodplain present on the subject property.

The fifth condition of the rezoning also requires that a management agreement with Story County Conservation be developed to protect the environmentally sensitive areas and floodplain. Since the 2018 rezoning, the developer has instead decided to deed this area and the lots designated with a letter and shown in green on the layout drawing to Story County Conservation. There are five total lots to be deeded to Story County. Four will be dedicated to Story County Conservation, totaling 81.8 acres. The fifth lot to be dedicated to the county is additional right of way along 170<sup>th</sup> Street. Lot B, which contains 74.07 acres and all of the environmentally sensitive areas and is the area of the rezoning and C2C Plan Amendment, and Lots C and D, will be platted and deeded as part of the first phase of the subdivision. Lot E will be deeded to Story County Conservation as part of the fourth phase of the subdivision.

The measures originally proposed as part of the management agreement with Story County Conservation have been addressed through the preliminary plat, proposed covenants, and an ownership/management agreement. At their May 11, 2020, meeting, the Story County Conservation Board took action to approve these documents and measures in a unanimous vote. The measures include:

- The applicant worked with the Story County Conservation Board to provide a 35-foot buffer around the remnant prairie. The buffer is shown by a dashed yellow line on the layout drawing. A 45-foot buffer is provided from lots with a protective subdrain.
- Silt fencing is proposed around the prairie remnants to provide protection and a barrier during construction. The location of the silt fence is shown in the erosion control plan as part of the preliminary plat and available on the agenda center.
- The developer will be constructing split rail fencing on the common lot lines of the development lots with the County-owned property to provide demarcation and protection. The homebuilders/lot owners are required to construct split rail fencing on the common property lines with the homeowner association-owned lots. A fence



plan is provided as part of the preliminary plat and included as provisions in the ownership/management agreement and covenants.

- The proposed covenants include prohibitions on using fertilizers that contain phosphorous.
- Water quality testing will occur on the Story County Conservation-owned lots. Per the management/ownership agreement, in the event the testing indicates the use of fertilizers and/or lawn additives that contain phosphates in violation of the Covenants, the Story County Conservation Board may take action at law or equity for relief, either by injunction or damages.
- Per the covenants and ownership/management agreement, all homeowner association outlots and Story County Conservation-owned lots that contain greenspace shall be managed as native prairie lots. No invasive species are allowed on these lots or any development lot and trees and shrubs shall be native species. The Story County Conservation Board will approve all seed mixes for the outlots.
- Per the covenants, no debris, hazardous materials, household hazardous waste, or unapproved plants or soil shall be placed, at any time, in the subdivision.

The Conservation Board previously discussed these prescriptive measures at the April 13, 2020, meeting. A concern raised by the Board and staff was the expiration or amendment of the covenants. A conservation easement was requested. The County Attorney has reviewed the easement language and determined that it is sufficient to enforce the provisions of the covenants if they were to be amended or expire. Again, the Story County Conservation Board approved the preliminary plat, covenants, conservation easement, and ownership/management agreement at their May 11, 2020, meeting.

Condition six requires a 50-foot buffer from the parcels in agricultural production to the east. This buffer is shown on the layout drawing in Figure 3. The lots shown in brown on the layout plan in Figure 3, including the 50-foot buffer on the east side of the subdivision, are outlots to be managed by a homeowner association. There are seven outlots and they total 26.20 acres, including the street lots. These outlots include stormwater management retention ponds and the protective subdrain. They also include buffers between the development lots and 170<sup>th</sup> Street.

The 20-foot wide easement for a future hard-surfaced trail on the north and west sides of the proposed subdivision required by the seventh condition is shown on the plat. Story County Conservation will own the property where the trail easement is located on the west side of the development. The location of this trail may change as an additional trail system will be built by Story County Conservation on the Story County Conservation-owned property as soon as the summer of 2021. A concept trail system is shown in grey in the layout drawing in Figure 3, including a trailhead and parking at the entrance to the



subdivision, shown in Lot C. This design may change as Story County Conservation works to develop the system and determine a final design.

### Proposed Subdivision and Conformance with the Story County Land Development Regulations

In addition to the conditions placed on the subdivision by the rezoning, the Story County Land Development Regulations contain additional submittal and design standards. Chapter 87 includes items to be shown on the preliminary plat and submitted with the plat. Chapter 88 contains general site planning standards for street and lot design, environmental resource protection, stormwater management, and requires a traffic study.

As required by [Chapter 87](#), the applicant submitted letters from utility and emergency service providers on their ability to serve the subdivision. Xenia Rural Water and Midland Power Cooperative both confirmed that they would be able to serve the subdivision. A six-inch water main is shown on the plat. Alliant Energy will enter into an extension agreement with the developer to extend the gas main from George Washington Carver along 170<sup>th</sup>. The Gilbert Fire Chief also provided a letter confirming their ability to serve the subdivision:

*From the time we are toned out for a fire until someone reaches the station can be 2-5 minutes. Confirmed structure fires will be dispatched as a box alarm automatically paging mutual aid from Story City and Roland additional mutual aid can be called in from any number of surrounding departments. With this in mind, I would highly recommend all homeowners subscribe to, and have a monitored security system (such as ADT) installed & tied in with smoke detectors. Early, advanced alerting of a possible fire, especially in new construction, has a marked benefit of getting personnel & equipment moving before a fire can dig itself in without being noticed, or if no one is home. Most homeowners insurance providers offer discounts on the premium for having a monitored security service.*

*Medical emergencies will have similar response times, however some personnel do respond by personal vehicle. Our ambulance service is primarily out of Mary Greely Medical Center in Ames but we have occasionally had Story County Hospital in Nevada or Huxley Ambulance respond when Ames units are tied up.*

*I am aware other developments near this area have installed fire hydrants. If these are planned within this development, please be aware that we cannot pump directly from these into our fire engine to attack a fire - the negative pressure that would be subjected to the water main would be enough to collapse the main. What we can do is attach a hose to allow water to free-flow into a portable tank from which we would be*



*pumping water. The rate of flow from the rural water is questionable. Mutual aid water tenders would also be dumping into this portable tank.*

Staff provided the Fire Chief with the hydrant locations proposed and he raised no further concerns.

As required by [Chapter 88](#), all lots have been reviewed to determine that no flag or double frontage lots are proposed and that all lots meet minimum width and depth-to-width ratio requirements.

Chapter 88 also contains standards for street design and access requirements. The County Engineer reviewed a previous concept drawing of the plat and requested that the west access be moved to the east due to sight distance issues at the location. Permits will be required from the County Engineer for any work in the right-of-way, including the installation and improvement of the accesses. Other street standards have been met.

Chapter 88 also requires that subdivisions are planned so that the street arrangement would allow for access to adjoining properties if they were platted. A stub road is shown from Foxtail Court to the adjoining property to the east. A note is also on the plat that a potential roadway connection could be made on Outlot D between Lot 46 and Lot 56 and between Lots 38 and 42. The developer of Prairie Valley or homeowner association would be responsible for the costs of the road connection with any development to the east.

Standards for environmental resource preservation are also in Chapter 88. A stream easement dedicated to Story County Conservation is required for streams in areas being subdivided. There is a drainage way on the property and a portion of Squaw Creek. These will be deeded to Story County Conservation and are part of the rezoning request to the Greenbelt-Conservation District. If over 15% of natural vegetative cover is removed, mitigation requirements for significant trees would apply. A grove of Cottonwoods and a row of Mulberry, Ash, Cherry, and Locust trees along a fence line will be removed. However, none of the environmentally sensitive areas will be disturbed and no mitigation of trees is required.

Erosion control requirements apply—the applicant is required to have a National Pollutant Discharge Elimination System Permit with the Iowa Department of Natural Resources. A copy of the erosion control plan to be part of this permit was provided with the preliminary plat.

A stormwater management plan was also submitted. To meet the county's requirements, soil quality restoration is proposed on all development lots to provide infiltration to



manage a rainfall depth of 1.25-inches. For larger rain events, five dry detention basins are proposed so that the runoff rates from the site do not exceed the current rate from the 5-year storm event.

A complete traffic impact study was also required as all phases of the development are anticipated to generate 330 trips daily. Manual traffic counts were performed during morning and evening peaks at the intersection of 500<sup>th</sup> Avenue and 170<sup>th</sup> Street. Approximately 1.5% of traffic during peak hours was truck traffic. The 2015 average daily traffic counts from the Iowa Department of Transportation are 1,150 vehicles per day on 170<sup>th</sup> Street and 1,470 on 500<sup>th</sup> Avenue. Crash data from 2010 to 2020 was evaluated—there were 12 crashes, 11 of which involved animals. The Level of Service (LOS) of roadways in the subdivision, within a quarter mile, and at intersections within a quarter mile was determined to be an “A” level and no decrease to a lower LOS due to the development is anticipated. LOS describes operational conditions within a traffic stream, based upon service measures, such as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience. LOS A (highest level of service) represents completely free flow of traffic allowing traffic to maneuver unimpeded.

The study determined that a right turn lane will likely be warranted on 170<sup>th</sup> Street at 500<sup>th</sup> Avenue with the second phase of the development. Right-turn lanes are likely not warranted on 500<sup>th</sup> Avenue at 170<sup>th</sup> but are within one vehicle of being warranted and should be monitored after the full build-out of the subdivision. No turn lanes into the development were recommended. Per the traffic study ordinance, the Board of Supervisors is to review all recommended improvements as part of their review of the preliminary plat. The recommendation as to who should finance improvements comes from the County Engineer. The County may require the improvements to be provided by the applicant, at the recommendation of the County Engineer.

The County Engineer reviewed the traffic study and determined that a right turn lane should be constructed on 170<sup>th</sup> Street at 500<sup>th</sup> Avenue before phase two of the development. He recommends that the improvement is paid for/provided by the applicant as road funds are limited and the need for a turn lane prior to phase two would be a direct result of the development. The applicant noted that they believed a right turn lane will be warranted by 2029 without the development based on the existing traffic growth. The evening peak at the intersection is currently 49 cars making right turns onto 500<sup>th</sup>, based on the traffic study. A turn lane is warranted at a peak of 57 cars per the study. The development will add the eight cars to the peak, warranting the turn lane, by its second phase. The applicant does not believe they should be burdened with the full cost of the turn lane, given its contribution to traffic.

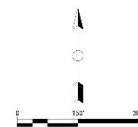
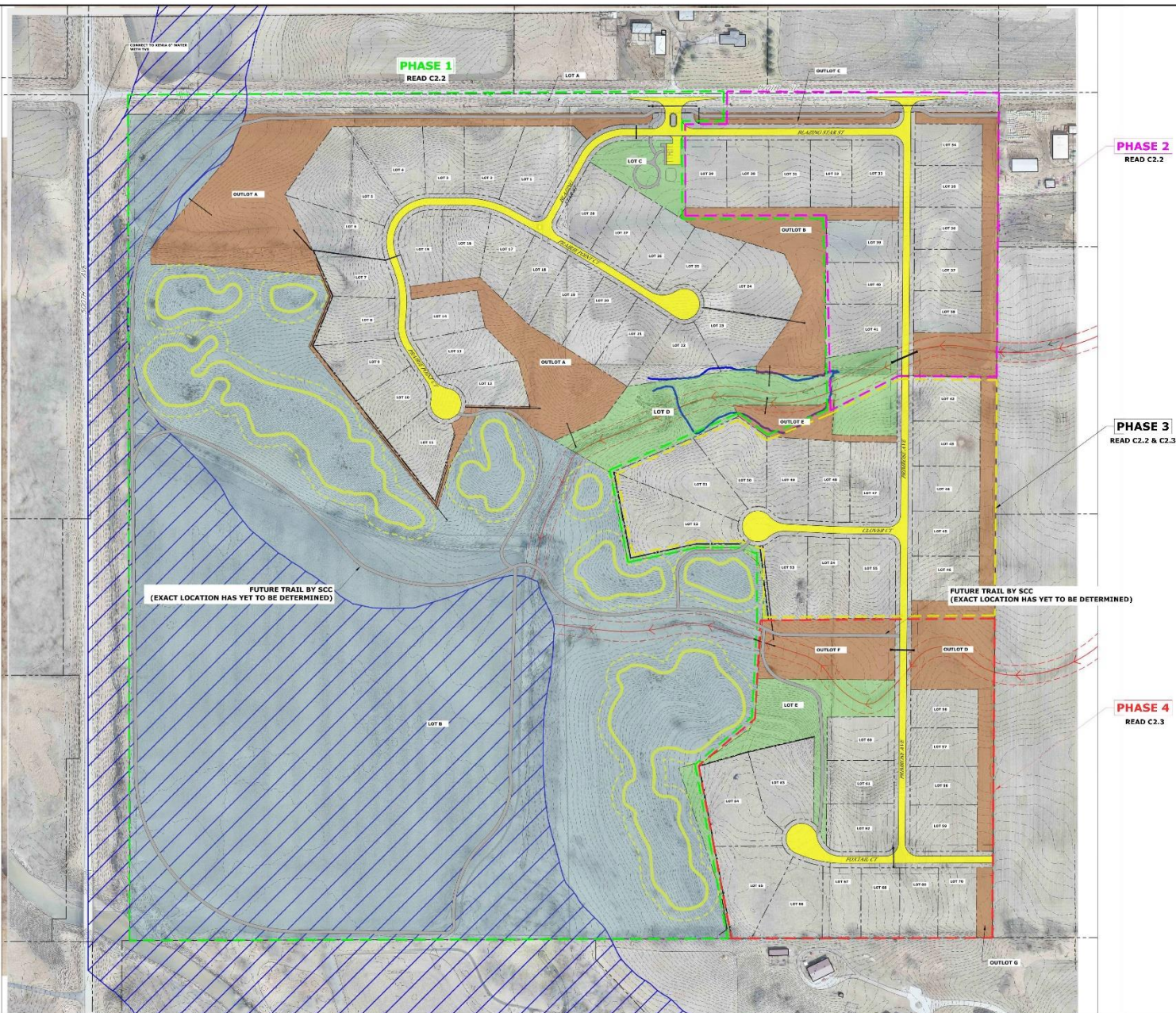


Staff followed up with the County Engineer after the Planning and Zoning Commission meeting to inquire about the potential cost of the turn lane and if the developer did not pay or the development did not occur and the improvement was later needed, the process for the County to make the improvement. The County Engineer provided the following information: "Turn lane cost can vary greatly but my best guess for this location would be around \$25,000. A turn lane is currently not warranted without the development. If it was warranted, yes we would probably program the improvement for the next time that the road was paved, which will be around 15-20 years from now."

#### Tax Increment Financing Request for Subdivision

The developer separately requested Tax Increment Financing (TIF) from Story County to help pay for infrastructure or other improvements to prepare the lots. Previously, staff and the Planning and Zoning Commission had recommended the Board of Supervisors and applicant could consider the financing of the right turn lane on 170<sup>th</sup> at 500<sup>th</sup> as part TIF request, and a condition requiring action on that request prior to the final plat. However, the at the May 5, 2020, Story County Board of Supervisors meeting, the Board discussed an amendment to the Story County Economic Development Processes and Policies to allow payment to private entities on select residential housing development, which would have been the first step in the TIF request process. A motion on this amendment died for lack of a second. As the motion died, this recommended condition is no longer applicable. Planning and Development staff proposed amending this condition at the May 6, 2020, Planning and Zoning Commission meeting, however because this proposed change was not posted 24 hours prior to the meeting, the Planning and Zoning Commission decided to leave the condition as it was originally written by Planning and Development staff.





|  |          |
|--|----------|
| PROJECT NO.  | 4470-10A |
| SHEET  | C2.1     |
| SUBDIVISION LAYOUT<br>PHASE 1 PRELIMINARY LAYOUT<br>SE CORNER OF SOUTH AVE & 120TH ST<br>STORY COUNTY, IOWA                              |          |
|  |          |
| FOX Engineering Associates, Inc.<br>444 South 17th Street, Suite 107<br>Ames, Iowa 50010<br>Phone: (515) 233-0000<br>FAX: (515) 233-0103 |          |
| DATE   | 04/20    |
| DESIGNED BY  | JMS      |
| DRAWN BY   | SMS      |
| CHECKED BY   |          |
| LAST UPDATE  | 04/23/20 |

Figure 3: Prairie Valley Subdivision Layout Drawing.

## **Surrounding Land Use**

Adjacent Land Use:

**North** – a 37.18-net acre parcel in agricultural row crop production; a 33.28-net acre parcel in agricultural row crop production; a 38.79-net acre parcel in agricultural row crop production; and a 6.88-net acre parcel containing a farmstead, a dwelling constructed in 1976, and approximately 3.5 acres in livestock production.

**East** – a 29.62-net acre parcel in agricultural row crop production; a 40-net acre parcel in agricultural row crop production; and a 9.17-net acre farmstead, a dwelling constructed in 1976, and approximately 4 acres in livestock production.

**South** – a 53.40-net acre parcel containing a dwelling constructed in 2006, approximately 12 acres in hay production, and pasture area; and a 45.64-net acre parcel containing a dwelling constructed in 2006, approximately 3.5 acres in hay production, and pasture area.

**West** – (located in Boone County) a 28.91 net-acre parcel that is an outlot in the Buck Hill Subdivision; a 36.47-net acre parcel with dwelling constructed in 2005, horse barn, pasture, and natural area; a 59.10-net acre parcel containing natural area and approximately 10 acres in agricultural row crop production; a 23.46-net acre parcel of natural area; and a 27.38 net-acre parcel in agricultural row crop production.

There is a total of five (5) single-family dwellings, located on parcels between 6.88-net acres and 53.40-net acres, adjacent to the subject property. There is an existing 14-lot subdivision (Eagle Ridge) located approximately one-quarter mile south of the subject property. This subdivision is located on the south side of the floodplain of Squaw Creek. There is another major subdivision, Buck Hill, located approximately one-quarter mile northwest of the subject property on the west side of 500<sup>th</sup> Avenue in Boone County. This subdivision contains 69 development lots.

## **C2C Plan Designation**

The subject property is currently designated Agricultural Conservation Area (ACA) and Rural Residential Area (RRA) on the C2C Comprehensive Plan Future Land Use Map. Portions of the property are also designated as Natural Resource Areas (NRA). The request to amend the designation for the identified environmentally sensitive areas to the Agricultural Conservation Area if they were previously designated as Rural Residential Area. The areas would then be further designated as Natural Resource Area. Due to the generality of the Natural Resources Area designation, all environmentally sensitive areas are currently not designated as Natural Resources Area and some areas are not natural areas but designated as such. It is an item on the Planning and Development Department's work program to review the entire Natural Resource Area designation for Story County and propose amendments to improve to better reflect existing conditions.





### Applicable C2C Plan Goals and Objectives

Based on public input during the creation of the Story County Cornerstone to Capstone (C2C) Comprehensive plan, Story County residents expressed the following weaknesses and threats, among others, which relate to the proposed request:

*“Need to continue adding and connecting trails”*

*“Need to increase public park properties and infrastructure”*

*“Hard to strike a balance between growth and sustainability and protecting good farmland”*

Applicable objectives from the C2C Comprehensive Plan include, but are not limited to:

*Objective H1.1: Throughout Story County, plan for a range of housing that meets the needs of residents of various income, age, and health status.*

*Objective NRR3.1: Preserve and protect the existing native plants and animals, as well as re-establishing them where they historically occurred.*

*Objective NRR3.7: Restrict development within environmentally sensitive areas including floodplains, steep slopes, wooded areas, and wetlands.*

*Strategy for NRR Goal 3: Encourage development that limits impact on existing wooded areas and preserves and restores natural prairies and wetlands.*

Overall goals for the C2C Plan include:

#### *Agricultural Resources Goals*

*AR1: Protect agricultural practices in areas with prime soils and viable agricultural interests.*

*AR2: Minimize conflicts between agricultural and non-agricultural land uses.*

*AR3: Preserve farmland and the rural landscape as a viable foundation for a strong and growing agricultural economy*

#### *Housing Goals*

*H1: Plan for safe, attractive and affordable housing to meet existing needs and forecasted housing demands of all residents of the county.*

*H2: Plan for housing types and densities that reinforce the predominately rural character of the unincorporated areas of the county*

*H3: Housing is planned for, designed, and built in a way that responds to residents' needs and reflects their voices and experiences.*

Agricultural Conservation Area principles include:



*ACA Principle 1: Conserving agricultural land, as well as agricultural practices, is a fundamental principle in Story County. Areas are identified, conserved, and enhanced within the county for farming practices and agricultural production.*

*ACA Principle 2: Continue to work towards strategies that promote alternative agricultural methods that work in harmony with conventional operations. A variety of farm types is a good thing.*

*ACA Principle 3: Encourage high-value agricultural lands to remain as agricultural and discourage non-agricultural development of such lands. Direct future non-agricultural development toward the designated Urban Expansion, Rural Residential, Rural Village, and Commercial-Industrial Area designations on the Future Land Use Map.*

*ACA Principle 4: Design areas identified for development to limit conflicts between agricultural uses and rural residences and other types of land uses. Through development practices preserve and protect prime agricultural lands and the ability to engage in agricultural activities.*

*ACA Principle 5: Promote the continued health of agriculture through an ongoing planning process to identify partnerships and develop voluntary, incentive-based programs and strategies.*

Principles associated with the Rural Residential Area (RRA) include:

*RRA Principle 1: Ensure that new development is sensitive to the predominantly rural nature of the areas.*

*RRA Principle 2: Encourage clustering of residential sites to limit the short-term and long-term costs associated with infrastructure improvements and the distribution of public services.*

*RRA Principle 3: Review design and development standards to ensure that conflicts between proposed development and agricultural and natural resources are minimized. Design new residential development to maintain the open character of rural areas and to protect and maintain agricultural uses and sensitive environmental features.*

*RRA Principle 4: When development is adjacent to agricultural uses, provide adequate buffers to minimize conflicts.*

*RRA Principle 5: Locate proposed subdivisions on a case-by-case basis. Establish and use location guidelines in the review process for new rural subdivisions.*

*RRA Principle 6: Encourage proposed development to take access off existing paved roads unless it can be demonstrated that Minimum Levels of Service requirements may be met or development can mitigate impacts.*

*RRA Principle 7: Mitigate and manage stormwater run-off, soil erosion, and wastewater discharge according to IDNR and Story County standards.*



The Future Land Use Map also designates portions of this property as Natural Resource Area (NRA). Principles of this designation include:

*NRA Principle 1: Generally discourage development within these areas. In unique circumstances where appropriate development types may enhance the area, recognize and encourage such approaches.*

*NRA Principle 2: Mitigate impacts of proposed development contiguous to areas identified as Natural Resource Area.*

*NRA Principle 3: Consider areas identified as Natural Resource Area for inclusion in the Greenbelt-Conservation District of the Land Development Regulations and/or take necessary steps to ensure resource conservation through other mechanisms.*

*NRA Principle 4: Develop site planning and performance standards to apply to properties designated as Natural Resource Area not included in the Greenbelt-Conservation District and in which limited development may occur.*

### **Official Zoning Map**

The subject property is currently zoned A-1 Agricultural District and R-1 Transitional Residential. The Statement of Intent for the A-1 Agricultural District is as follows:

*The A-1 District is intended and designed to accommodate land uses compatible with agriculture and to protect agricultural land from encroachment of urban land uses. The Cornerstone to Capstone (C2C) Comprehensive Plan designates priority agricultural land as Agricultural Conservation Areas. These areas are intended to preserve rural character by limiting the development of most new non-farm dwellings to large lots. In some instances, the A-1 District permits non-farm residential development on smaller lots in furtherance of the Cornerstone to Capstone (C2C) Comprehensive Plan goals and objectives.*

The Statement of Intent for the R-1 Transitional District is as follows:

*The R-1 Transitional Residential District is designed to provide a district for single-family detached dwellings between a rural and urban density. Subdivisions created within the R-1 district may also include community facilities and open space uses, with special provisions to protect the residential character of the District. This District is not intended to permit isolated rural dwellings incompatible with surrounding land uses and not in conformance with the Cornerstone to Capstone (C2C) Comprehensive Plan.*



The applicant is requesting an official zoning map amendment from the A-1 Agricultural District and R-1 Transitional Residential District to the Greenbelt-Conservation District. The Statement of Intent for the Greenbelt-Conservation District reads:

*The Greenbelt-Conservation District is intended to provide special regulations for resource conservation of lands containing sensitive environmental conditions. These regulations permit reasonable economic use of property and at the same time protect the natural resources and recreational assets of the area. This District is designated to promote water quality and conservation, to protect aquifers, alluvial soils and slopes; and to protect areas which possess outstanding scenic, vegetation, wildlife habitat, and travel corridors, geological, historic or recreational values. Structures inconsistent with the permitted uses shall not be allowed in the Greenbelt-Conservation District.*

---

## Analysis

**Rezoning Standards of Approval**—*the requested amendment to the Official Zoning Map of Story County is to the GB-C Greenbelt-Conservation District for portions of the subject property determined to be environmentally sensitive and floodplain.*

According to Section 92.06(2) of the *Story County, Iowa Code of Ordinances*, applicable standards for approval include the following. Staff's analysis is included below. The applicant has provided a narrative for the request that is available on the agenda center.

- A. The proposed rezoning shall conform to the Story County Cornerstone to Capstone (C2C) Comprehensive Plan.

**Staff Comment:** *The applicant had a field review completed to identify environmentally sensitive areas on the subject property and has requested a C2C Future Land Use Map Amendment to the Natural Resource Area for the environmentally sensitive areas. The amendment request also includes the floodplain on the property, which was not previously designated as Natural Resource Area. The C2C Amendment to the Natural Resource Areas for these portions of the property was required as a condition of the rezoning of the subject property to R-1 Transitional Residential. The C2C Plan Zoning Compatibility Matrix indicates that Natural Resource Areas are compatible with the Greenbelt-Conservation District and Residential Conservation Design Overlay District. A C2C Plan Future Land Use Map Amendment to the Natural Resource Area for the environmentally sensitive areas and floodplain is also requested. Natural Resource Area Principle 3 is to “consider areas identified as Natural Resource Area for inclusion in the Greenbelt-Conservation District of the Land Development Regulations and/or take necessary steps to ensure*





*resource conservation through other mechanisms." The rezoning request specifically follows this principle.*

- B. The proposed rezoning shall conform to the Statement of Intent for the proposed district and district requirements.

**Staff Comment:** *The proposed use of the environmentally sensitive areas of the subject property as a county park, owned and managed by Story County Conservation, aligns with the Statement of Intent of the GB-C Greenbelt Conservation District, which reads:*

*The Greenbelt-Conservation District is intended to provide special regulations for resource conservation of lands containing sensitive environmental conditions. These regulations permit reasonable economic use of property and at the same time protect the natural resources and recreational assets of the area. This District is designated to promote water quality and conservation, to protect aquifers, alluvial soils and slopes; and to protect areas which possess outstanding scenic, vegetation, wildlife habitat, and travel corridors, geological, historic or recreational values. Structures inconsistent with the permitted uses shall not be allowed in the Greenbelt-Conservation District.*

*In addition to the ownership and management by Story County Conservation, the Greenbelt-Conservation District zoning will provide the highest level of protection to the environmentally sensitive areas on the subject property. Permitted uses include:*

- A. Agriculture, but not including clear cutting of naturally occurring tree cover.*
- B. Truck gardening, nurseries, orchards, apiaries, tree farms, and other similar uses, provided that retail sales are of a seasonal nature only and that parking is adequate to keep all public rights-of-way clear.*
- C. Livestock grazing, but not including feedlots and poultry farms.*
- D. Sustained yield forestry.*
- E. Wildlife preserves.*
- F. Soil and water conservation.*
- G. Drainage and water retention, water measurement, and water control facilities.*
- H. Recreational uses such as canoeing access, boat launching ramps, swimming areas, primitive camping, hiking, horseback riding trails and similar open space uses.*
- I. Parking in conjunction with permitted uses.*
- J. Cultural/historic restoration.*



- C. The proposed rezoning shall be compatible with surrounding land uses and development patterns.

**Staff Comment:** *The existing character of the area surrounding the subject property is primarily agricultural parcels and large lot residential. A 70-lot residential subdivision is proposed as part of the request.*

*A park and protected natural area are unique for the area but does not make the use incompatible. County parks are mainly located in the unincorporated areas of Story County where important resources exist. This is also true of the Greenbelt-Conservation Zoning District. The majority of the properties zoned Greenbelt-Conservation are located around the Skunk River north of Ames, including McFarland Park. By area, it is the second most common zoning district in unincorporated Story County, after A-1 Agricultural.*

*The subject property is located in the Squaw Creek watershed and is uniquely positioned at the point where Squaw Creek enters Story County. Squaw Creek flows through the southwestern corner of the property, and the Greenbelt-Conservation District would incorporate this area and Squaw Creek's floodplain on the property. The subject property also contains three drainage districts in the Squaw Creek Watershed. The rezoning would be the first to Greenbelt-Conservation along Squaw Creek.*

*Preserved natural areas provide important ecosystem services to the rural landscape and residential areas—from water quality benefits to providing residents with a recreational opportunity. The proposed Greenbelt Conservation District would include the floodplain on the property providing protection to downstream areas from increased flooding.*

*The proposed rezoning also ensures that surrounding land uses and development patterns are compatible with the environmentally sensitive areas on the site. The environmentally sensitive area was previously pasture for livestock. The proposed adjacent housing development included a condition that the environmentally sensitive areas were identified, rezoned to Greenbelt-Conservation, and managed to ensure the development did not have adverse impacts on the resources.*

- D. The proposed rezoning shall protect environmental resources. Rezoning of parcels containing more than fifty (50) percent of the gross acreage as lands identified with areas designated Natural Resource Areas on the Story County Development Plan (C2C) shall not be approved unless such requested action results in a district designation



more restrictive than the current designation, the R-C Residential Conservation Design (Overlay) District is applied to the property, or conditions protecting the identified areas are attached to the rezoning request. (Ordinance No. 184)

**Staff Comment:** *The proposed rezoning is to a more restrictive district, the Greenbelt-Conservation District, to specifically protect environmental resources.*

- E. In areas where the petition to rezone requests a change from A-1 District or A-2 District to another district, lands scoring 267 or above for total LESA score, as determined by a Land Evaluation Site Assessment (LESA) as adopted for Story County, shall not be approved. (Ordinance No. 208)

**Staff Comment:** *Only the southwest quarter quarter of the subject property is zoned A-1 Agricultural. The LESA score of quarter quarter is 266.*

#### **C2C Future Land Use Map Amendment Standards**

According to Section 92.08(1) of the *Story County, Iowa Code of Ordinances*, applicable standards for approval include:

- a. The extent to which the change would be consistent with the comprehensive plan goals and policies.

**Staff Comment:** *The amendment of the Future Land Use Map Designation is consistent with Land Use Goal 2: "Preserve, protect, and plan around the physical characteristics of the land, including floodplains, steep slopes, wetlands, rich soils, and rare geologic or environmental characteristics." The proposed amendment designates the environmentally sensitive areas (including floodplain area) as Natural Resource Area and Agricultural Conservation Area to prevent development of the existing natural areas on the Subject Property. These areas are currently not designated as Natural Resources Area or are designated Rural Residential Areas.*

*The amendment would also further the following principles and objectives as currently, the sensitive areas identified by the on-site study and floodplain are not all designated as Natural Resource Areas in the C2C Plan. The Natural Resource Area designation provides protections for the areas under the Story County Land Development Regulations including mitigation if the resources were disturbed.*



*NRA Principle 1: Generally discourage development within these areas. In unique circumstances where appropriate development types may enhance the area, recognize and encourage such approaches.*

*NRA Principle 2: Mitigate impacts of proposed development contiguous to areas identified as Natural Resource Area.*

*Objective H1.1: Throughout Story County, plan for a range of housing that meets the needs of residents of various income, age, and health status.*

*Objective NRR3.1: Preserve and protect the existing native plants and animals, as well as re-establishing them where they historically occurred.*

*Objective NRR3.7: Restrict development within environmentally sensitive areas including floodplains, steep slopes, wooded areas, and wetlands.*

*The amendment also follows the strategy for NRR Goal 3 to “encourage development that limits impact on existing wooded areas and preserves and restores natural prairies and wetlands” and RRA Principle 3 to “review design and development standards to ensure that conflicts between proposed development and agricultural and natural resources are minimized. Design new residential development to maintain the open character of rural areas and to protect and maintain agricultural uses and sensitive environmental features.” The study to determine the natural resources on the site informed the development of Prairie Valley to preserve the natural features.*

- b. Evidence demonstrating the reason(s) why the plan should be changed, including but not limited to whether new information has become available since the comprehensive plan was adopted that supports reexamination of the plan, or that existing or proposed development offer new opportunities or constraints that were not previously considered.

**Staff Comment:** *Dr. Thomas Rosburg, a professor of Ecology and Botany at Drake University, completed a field review to locate remnant prairie and other landscape features. The most significant and environmentally sensitive features were the native prairie remnants. The remnant prairies are mainly located on steeply sloped areas of the south half of the northwest quarter quarter and on the western half of the southeast quarter quarter. The prairie remnants are not all designated as Natural Resource Area in the C2C Plan or are designated as Rural Residential and Natural Resource Areas.*

- c. Whether or not the change is needed to allow reasonable development of the site.



**Staff Comment:** *The proposed amendment to Agricultural Conservation Area and Natural Resource Area will prevent development of environmentally sensitive areas.*

- d. The relationship of the proposed amendment to the supply and demand for the particular land uses within the county and immediate vicinity of the site.

**Staff Comment:** *The subject property is uniquely situated. Previously grazed, it contains remnant prairie. From the C2C Plan Natural Resource Chapter "In 1873, as much as 332,505 acres of prairie existed, which encompasses over 90% of the Story County's land. Today, the majority of the land that was historically prairie has been converted into cropland." Portions of the prairie are high quality. From Dr. Rosburg's report on the remnants located on the subject property:*

*The presence of hairy grama is quite significant. It's a prairie species that characterizes the short-grass prairie which is located in the western Great Plains. In order to occupy plant communities in the tallgrass prairie region of Iowa, it requires specialized microenvironments that provide similar growing conditions as in the short-grass prairie – a habitat that is very dry and low in fertility. Hairy grama is known from 35 counties in Iowa (about a third), but it is always limited in its abundance and frequency.*

*The property is also located in the Squaw Creek watershed and is uniquely positioned at the point where Squaw Creek enters Story County. Squaw Creek flows through the southwestern corner of the property and would incorporate Squaw Creek's floodplain into the Natural Resource Area Designation. The subject property also contains three drainage districts in the Squaw Creek Watershed.*

*Preserved natural areas provide important ecosystem services to the surrounding area—from water quality benefits to providing residents with a recreational opportunity. The proposed Natural Resource Area designation would include the floodplain on the property providing protection to downstream areas from increased flooding.*

- e. A demonstration that the proposed amendment has merit beyond the interests of the applicant.

**Staff Comment:** *Beyond the ecosystem benefits provided as discussed above, the amendment will designate a future county park as Natural Resource Area. The applicant will deed the lot with the environmentally sensitive areas to Story County Conservation as part of the first phase of the subdivision.*



- f. The possible impacts of the amendment on all specific elements of the comprehensive plan as may be applicable, including but not limited to:
1. Goals. Objectives and strategies as related to the following from C2C Plan; Agricultural Resources, Community Facilities and Services, Communications and Public Safety, Emergency Preparedness, Cultural Resources, Infrastructure and Utilities, and Intergovernmental Coordination. **Staff Comment:** *See analysis for the extent to which the change would be consistent with the comprehensive plan goals and policies in section a.*
  2. Conservation of Natural Resources and Recreation. **Staff Comment:** *The amendment will further the Natural Resource and Recreation Goals through the designation and preservation of the environmentally sensitive areas and floodplain and by providing an opportunity for future expansion of recreational features in Story County. See analysis for the extent to which the change would be consistent with the comprehensive plan goals and policies in section a.*
  3. Land Use. **Staff Comment:** *See analysis for the extent to which the change would be consistent with the comprehensive plan goals and policies in section a.*
  4. Economic Prosperity. **Staff Comment:** *No impact anticipated. EP Goal 3 includes "a balanced approach to environmental sustainability advocates a balance between the utilization of area resources and economic growth. Economic growth should not exceed the ability of the natural or built environment to sustain growth over the long term." Identifying and designating natural resources informed the design of the Prairie Valley subdivision to preserve the resources on the site.*
  5. Transportation. **Staff Comment:** *Part of the area designated as Natural Resource Area will include a 20' wide easement along the west edge of the subject property for potential future development of a hard-surfaced trail to connect with the City of Gilbert in accordance with the C2C Comprehensive Plan includes Map 29: Proposed Trails and Greenways Map. Walking trail development inside the site is also proposed as part of the county park. A traffic study was completed and determined that a right turn lane will likely be warranted on 170th Street at 500th Avenue after the second phase of the development. The Board of Supervisors is to consider how to pay for the improvement or require the developer to pay per the ordinance. The County Engineer recommends the applicant pay for the turn lane.*
- g. Consideration of the fiscal impact of the proposed amendment to Story County.
- Staff Comment:** *None anticipated beyond the costs of maintaining a county park. The applicant will deed the lot with the environmentally sensitive areas to Story County Conservation as part of the first phase of the subdivision. While related to*





*the subdivision request and not the C2C Plan Amendment, a traffic study was completed and determined that a right turn lane will likely be warranted on 170th Street at 500th Avenue after the second phase of the development. The Board of Supervisors is to consider how to pay for the improvement or require the developer to pay per the ordinance. The County Engineer recommends the applicant pay for the turn lane.*

### **Major Subdivision Preliminary Plat Requirements**

Section 87.09 of the Story County Land Development Regulations contains items to be shown on the plat. The design of the subdivision to meet these standards, as well as those imposed by the conditional rezoning, was discussed in the background and proposed use section of this report. Staff has reviewed the subdivision for conformance with these requirements and standards and found are met. The Planning and Zoning Commission voted unanimously to recommend approval of the request with conditions to the Board of Supervisors.

---

### **Comments**

The following comments are part of the official record of the proposed **Story County Zoning Map Amendment, Case No. REZ01-20 and SUB06-20**. If necessary, conditions of approval may be formulated based on these comments.

### **Comments from the Conceptual and Interagency Review Team**

A conceptual Review meeting was held for the proposed rezoning and subdivision on October 11, 2018. The submittal was initially made on March 16, 2020; however, it was not complete. Restrictive Covenants and the Management/Ownership agreement were submitted past the deadline extension on March 18. The submittal was routed to the Interagency Review Team on April 6, 2020, for the item to be on the May 6 Planning and Zoning Commission Agenda. The following comments from the review have not already been addressed in this report or require further changes to the submittal. All responses are from the applicant unless noted.

### Planning and Development Comments

COMMENT: During a site review on March 11, 2020, it was noted that there was a construction debris pile located on Lot 53. A clean-up plan is required and has been requested. Staff also noted damage to a drainage district intake and notified the County Engineer.



COMMENT: What is the primary path to access the park and trails from the proposed parking lot? Is it the trail along 170th Street? Is wayfinding or directional signage proposed? Would an alternative path along one of the subdivision roads be proposed?

RESPONSE: The Development has provided a trailhead at the entrance to the subdivision. Users will be allowed to park at the trailhead and access the future trail along 170th ST. Any wayfinding and/or directional signage shall be provided by Story County. When Story County designs the trail system, they should consider providing a trail from 170th Street to the trailhead. The trails shown on the plat are for reference only. The location and design of the trails will be by Story County.

COMMENT: A zoning permit will be required for all fences.

RESPONSE: Acknowledged.

COMMENT: Do we have a plan for amending the protection subdrain plan if the lateral location changes?

RESPONSE: I am fine with working with the County if changes to the lateral field locations are made in the future.

**Staff requested this note be added to the protective subdrain plan as part of the preliminary plat and the Planning and Zoning Commission recommended it as a condition.**

### Environmental Health

COMMENT: Page C2.2 and C2.3 septic placement: Lot 7 lateral field is unclear. For steep lots, keep in mind that the steeper the ground, the further apart the laterals need to be, so they will take up a bigger footprint (2' of separation distance added for every 5% increase in slope from level). What document will clearly state the septic easements when the laterals are placed on outlots (one document for the subdivision or individual easements)?

RESPONSE:

- Lot 7 lateral field will be placed off lot in a separate easement (70'x120') within Outlot A.
- Steep Slope Lots: Acknowledged that 2-ft of separation distance is added for every 5% increase in slope from level.
- Lateral Field Easements: The final plat will show the Lateral Field Easements within the Outlots.

COMMENT: I do not think the homeowners should be restricted to native vegetation on their lots as required in item c. "All shrubs and trees on Lots and Outlots shall be native species."

RESPONSE FROM PLANNING AND DEVELOPMENT STAFF TO APPLICANT: I spoke with Mike this morning and the language that was struck on invasives was a Conservation Board



requirement. I believe Mike has communicated this with Margaret. If you could please add it back in for the Conservation Board's consideration, that would be great.

### Assessor

This Subdivision will be assessed under the Iowa Platting Law. Undeveloped lots will be assessed at a minimal agricultural value for five years or until built upon. After five years, all undeveloped lots will be assessed at residential market value.

### **Comments from the General Public**

Notice letters were sent to property owners within ¼ mile of the proposed rezoning on April 28, 2020, regarding the Planning and Zoning Commission Meeting on May 6 and the Board of Supervisors Meeting on May 19. A development proposed sign was placed on the property on April 28. The rezoning request was published in the newspaper on April 30.

Planning staff received one general inquiry phone call and one general inquiry email from a realtor.

Planning staff has also been in communication with an adjacent landowner who inquired about the calculation of the LESA scores used in the 2018 rezoning. Prior to the Planning and Zoning Commission meeting, the landowner also expressed these concerns to a Commission member. The LESA scores of the parcels in the 2018 rezoning are not a standard to consider as part of the current request.

The landowner also provided a comment for the Commission's consideration via email, which staff forwarded to the Commission prior to their meeting. The comment asked why staff was supporting a subdivision of 70 lots when previously as part of the 2018 rezoning they had recommend 56 lots. Staff explained that the Board of Supervisors ultimately amended this recommend condition on the rezoning allowing 70 lots.

An adjacent landowner to the north also provided a verbal comment prior to the Story County Board of Supervisor's first consideration of the request regarding the location of the western access to the subdivision. There is an existing farm access and with a prior submittal, the western access was proposed to be located in the same location. The County Engineer requested the access be moved further to the east to provide adequate sight distance and ensure the safety of the access. The new location is directly across from the property owner to the north's access. The property owner also expressed their opposition to the development.

### **Comments from Cities within Two Miles**



The City of Gilbert will review the request at their May 18, 2020, City Council meeting. The item was on the council's agenda for the May 4, 2020, meeting. The Council choose to table the request until the Board of Supervisors acted on the TIF request.

---

### Points to Consider

---

The following are points to consider in evaluating the applicant's request to amend the Official Zoning Map, amend the C2C Comprehensive Plan Future Land Use Map Designation, and for a Major Subdivision Preliminary Plat.

1. In 2018, the Board of Supervisors approved the rezoning of the property to R-1 Residential and C2C Plan amendment with conditions. The design of the subdivision meets the conservation design principles prescribed as a condition on the rezoning.
  - a. A field review to locate remnant prairie and other landscape features was completed. The most significant and environmentally sensitive features were the native prairie remnants.
  - b. The developer will deed the environmentally sensitive and floodplain area to Story County Conservation as part of the first phase of the development. In total, approximately 80 acres will be deed to the county for a county park.
  - c. The measures originally proposed as part of a management agreement with Story County Conservation have been addressed through the preliminary plat, proposed covenants, and an ownership/management agreement. The measures include prohibitions on fertilizers containing phosphorous, invasive species; the Story County Conservation Board will review seed mixes; water quality testing will be performed; and a minimum 35-foot buffer between the remnant prairie and development lots is provided. The Conservation Board approved these provisions at their May 11, 2020 meeting.
  - d. A 20-foot wide easement for a future hard-surfaced trail on the north and west sides is shown on the plat. Walking trail development inside the site is also proposed as part of the county park.
  - e. A protective subdrain to divert runoff from the septic laterals away from the prairie remnants is proposed for lots with lateral fields that slope towards the prairie remnants.
2. The applicant submitted letters from utility and emergency service providers confirming their ability to serve the subdivision
3. Chapter 88 General Site Planning Standards and Chapter 87.09 requirements for Major Subdivision Preliminary Plats are met.
4. To meet the county's stormwater management requirements, soil quality restoration is proposed on all development lots to provide infiltration to manage a rainfall depth of



- 1.25-inches. For larger rain events, five dry detention basins are proposed so that the runoff rates from the site do not exceed the current rate from the 5-year storm event.
5. A traffic study was completed and determined that a right turn lane will likely be warranted on 170<sup>th</sup> Street at 500<sup>th</sup> Avenue after the second phase of the development. The Board of Supervisors is to consider how to pay for the improvement or require the developer to pay per the ordinance. The County Engineer recommends the applicant pay for the turn lane. A turn lane on 500<sup>th</sup> at 170<sup>th</sup> Street may also be within one car of being needed after the full build-out of the subdivision.
  6. The developer is separately requesting Tax Increment Financing (TIF) from Story County to help pay for infrastructure or other improvements to prepare the lots.
  7. The conditional rezoning required the environmentally sensitive areas and floodplain to be rezoned to the Greenbelt-Conservation District and their C2C Future Land Use Map amended to Agricultural Conservation and Natural Area. The prairie remnants are not all designated as Natural Resource Area in the C2C Plan or are designated as Rural Residential and Natural Resource Areas.
  8. The C2C Plan Natural Resource Area Principle 3 is to “consider areas identified as Natural Resource Area for inclusion in the Greenbelt-Conservation District of the Land Development Regulations and/or take necessary steps to ensure resource conservation through other mechanisms.” The rezoning request specifically follows this principle.

---

### **Planning and Zoning Commission Meeting and Recommendation**

---

The Story County Planning and Zoning Commission meeting discussed several aspects of the request at their May 6, 2020 meeting. Commissioner Mens expressed concerns about the proximity of the development lots to the livestock to the north and east. Staff noted that a 50-foot buffer is required as a condition of the rezoning and provided from the property to the east. For the lots closest to 170<sup>th</sup> Street and the agricultural operations to the north, a fence is proposed on the rear property lines of Lots 1-5, which are adjacent to a Homeowner’s Association-owned outlot. No fencing is proposed for the front yards of Lots 29-33, which have frontage on Blazing Star Street as it runs parallel to and south of 170<sup>th</sup> street, or the side yard of Lot 34 located to the south of 170<sup>th</sup> with frontage on Primrose Avenue.

Discussion regarding the County Engineer’s recommendation for the applicant to pay for the turn lane also occurred. Commission Chair Smith stated that he felt the discussion as to who pays for the turn lane improvement should be left to the County Board of Supervisors. Commissioner Moore asked for the current count of cars at 170<sup>th</sup> turning right onto 500<sup>th</sup>, the amount added by the development, and the number that warranted the turn lane. Staff



stated that the evening peak (4:45 pm to 5:45 pm) at the intersection is currently 49 cars making right turns onto 500<sup>th</sup>, based on the traffic study. A turn lane is warranted at a peak of 57 cars per the study. The development will add the eight cars to the peak, warranting the turn lane, by its second phase. Moore asked for the cost of the turn lane. John Gade, the applicant's engineer estimated it would cost \$75,000. Moore expressed his opposition to the turn lane improvement in general, no matter who pays, if it was only warranted by traffic levels at the peak hour of the day.

Commissioner Moss asked for when the traffic study and counts for the study occurred. Gade stated March. Moss questioned if the count was high for the area and not a normal count.

Commissioner McBride asked for information on the model used for the warrant. Staff noted that a warrant means that it would be recommended based on the criteria, but not required. Gade noted that the *Institute of Transportation Engineers (ITE) Trip Generation, 10th Edition*, as the basis for the projection of trips generated, used by professional traffic engineers, which is an industry standard.

No members of the public provided additional comments during the public hearing.

Ultimately, the Commission supported (7-0) the proposed rezoning from the A-1 Agricultural District and R-1 Transitional Residential District to the GB-C Greenbelt-Conservation District for portions of the subject property determined to be environmentally sensitive, amending the C2C Future Land Use Map Designation from the Rural Residential Area to the Agricultural Conservation Area and from the Rural Residential Area and the Agricultural Conservation Area to the Natural Resource Area for these areas, and the requested major subdivision preliminary plat for the Prairie Valley Subdivision for the Northwest Quarter of Section 7 of Franklin Township with the following conditions on the subdivision plat:

1. The County Conservation Board shall approve the covenants, easement, and management/ownership agreement prior to the Board of Supervisor's approval of the preliminary plat.
2. Construction and demolition debris located in the vicinity of Lot 53 shall be removed by June 6, 2020.
3. A protective subdrain to protect the prairie remnants west of Lot 52 shall be added to the preliminary plat prior to recording.
4. A note that the protective subdrain plan may change per the site evaluation conducted by a certified engineer or soils professional for septic systems and location of the lateral





fields shall be added to the preliminary plat prior to recording. The final protective subdrain plan shall be reviewed as part of the final plat.

5. The Board of Supervisors and applicant shall determine a method to pay for the right turn lane on 170<sup>th</sup> at 500<sup>th</sup> as part of the preliminary plat consideration unless it is to be considered as part of the separate TIF request. If it is to be considered as part of the TIF request, the financing must be determined prior to submittal of the final plat.
6. The applicant shall consider how to encourage homeowners subscribe to and have a monitored security system (such as ADT) installed & tied in with smoke detectors following the Fire Chief's recommendation.
7. The need for a right turn lane on 500<sup>th</sup> Avenue at 170<sup>th</sup> Street shall be monitored after full build-out of the development. The Board of Supervisors may take action as part of the final plat for the last phase of the development to determine who should pay for this turn lane if needed.
8. The developer of Prairie Valley or the homeowner association would be responsible for the costs of a roadway connection on Outlot D between Lot 46 and Lot 56, between Lots 38 and 42, or any additional costs of connecting the Foxtail Court stub road with a development to the east.

Given the action taken by the Story County Conservation Board at their May 11, 2020, meeting (after the Planning and Zoning Commission meeting), staff is recommending the Board of Supervisor's remove condition one. In addition, given the Story County Supervisors' action on the TIF request on May 5, 2020 (the day prior to the Planning and Zoning Commission meeting), the Commission chose not to amend condition five but recommended it as originally written by staff. Planning and Development staff proposed amending this condition at the meeting, however because this proposed change was not posted 24 hours prior to the meeting, the Planning and Zoning Commission decided to leave the condition as it was originally written by Planning and Development staff. Staff has provided an amended condition five for the Story County Supervisor's consideration that accounts for the Board's action on the TIF request. The recommended conditions from the Planning and Zoning Commission as amended by staff are as follow:

- ~~1. The County Conservation Board shall approve the covenants, easement, and management/ownership agreement prior to the Board of Supervisor's approval of the preliminary plat.~~
2. The Board of Supervisors and applicant shall determine a method to pay for the right turn lane on 170<sup>th</sup> at 500<sup>th</sup> as part of the preliminary plat consideration. ~~unless it is to be considered as part of the separate TIF request. If it is to be considered as part of the TIF request, the financing must be determined prior to submittal of the final plat.~~

---

## Alternatives

---



The Story County Board of Supervisors may consider the following alternatives for the rezoning and C2C Plan Amendment request:

1. **The Story County Board of Supervisors approves the proposed Story County Zoning Map Amendment from A-1 Agricultural District and R-1 Transitional Residential District to the GB-C Greenbelt-Conservation District and C2C Future Land Use Map Designation from the Rural Residential Area to the Agricultural Conservation Area and from the Rural Residential Area and the Agricultural Conservation Area to the Natural Resource Area as put forth in case REZ01-20 on first consideration and sets the second consideration for Tuesday, May 26, 2020.**
2. The Story County Board of Supervisors approves the proposed Story County Zoning Map Amendment from A-1 Agricultural District and R-1 Transitional Residential District to the GB-C Greenbelt-Conservation District and C2C Future Land Use Map Designation from the Rural Residential Area to the Agricultural Conservation Area and from the Rural Residential Area and the Agricultural Conservation Area to the Natural Resource Area as put forth in case REZ01-20 with conditions on first consideration and sets the second consideration for Tuesday, May 26, 2020.
3. The Story County Board of Supervisors denies the proposed Story County Zoning Map Amendment from A-1 Agricultural District and R-1 Transitional Residential District to the GB-C Greenbelt-Conservation District and C2C Future Land Use Map Designation from the Rural Residential Area to the Agricultural Conservation Area and from the Rural Residential Area and the Agricultural Conservation Area to the Natural Resource Area as put forth in case REZ01-20 on first consideration and sets the second consideration for Tuesday, May 26, 2020.
4. The Story County Board of Supervisors remands the Story County Zoning Map Amendment from A-1 Agricultural District and R-1 Transitional Residential District to the GB-C Greenbelt-Conservation District and C2C Future Land Use Map Designation from the Rural Residential Area to the Agricultural Conservation Area and from the Rural Residential Area and the Agricultural Conservation Area to the Natural Resource Area as put forth in case REZ01-20 back to the applicant and/or staff for additional information, and directs staff to set first consideration for Tuesday, May 26, 2020.

The Story County Board of Supervisors may consider the following alternatives for the Prairie Valley Major Subdivision Preliminary Plat request:

1. The Story County Board of Supervisors approves the proposed Major Subdivision Preliminary Plat as put forth in case SUB 06-20.



2. The Story County Board of Supervisors approves the proposed Major Subdivision Preliminary Plat as put forth in case SUB 06-20 with conditions as recommended by the Story County Planning and Zoning Commission.
3. **The Story County Board of Supervisors approves the proposed Major Subdivision Preliminary Plat as put forth in case SUB 06-20 with conditions as recommended by the Story County Planning and Zoning Commission and amended by staff.**
4. The Story County Board of Supervisors denies the proposed Major Subdivision Preliminary Plat as put forth in case SUB 06-20.
5. The Story County Story County Board of Supervisors remands the proposed Major Subdivision Preliminary Plat as put forth in case SUB 06-20 back to the applicant and/or staff for additional information and directs staff to place the item on the May 26, 2020, Story County Board of Supervisors Agenda.